

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ERIE DIVISION

ABBY B. CONLEY,	:	JURY TRIAL DEMANDED
Plaintiff	:	
	:	
VS.	:	
	:	
COUNTY OF ERIE, ERIE COUNTY	:	
OFFICE OF CHILDREN AND YOUTH,	:	
a/k/a ERIE COUNTY CHILD WELFARE	:	ELECTRONICALLY FILED
SERVICE, RICHARD SCHENKER,	:	
individually and in his capacity as County	:	
Executive of Erie County, Pennsylvania, :	:	
PETER CALLAN, individually and in his	:	
capacity as Erie County Director of Personnel,	:	
DEBRA LIEBEL, individually and in her	:	
capacity as Executive Director, Erie County	:	
Office of Children and Youth, a/k/a Erie	:	
County Child Welfare Service and JOHN A.	:	CIVIL ACTION NO. 05-76E
ONORATO, ESQUIRE, individually and in	:	
his capacity as Erie County Solicitor	:	
Defendants	:	

PLAINTIFF'S THIRD MOTION TO EXTEND DISCOVERY

NOW COMES the plaintiff, Abby B. Conley, by and through her attorneys, Timothy D. McNair, Esquire, and Anthony Angelone, Esquire, and, respectfully moves this Honorable Court for an extension of Discovery in the above captioned case, respectfully representing:

1. Discovery in this case was initially to be concluded by October 3, 2005.
2. By Order dated September 21, 2005, the Court granted Plaintiff's Motion to Extend Discovery to December 2, 2005.

3. By Order dated November 9, 2005, the Court granted Plaintiff's Second Motion to Extend Discovery, extending discovery to February 3, 2006.

4. Plaintiff has served Discovery on Defendants. Despite the filing and granting of a Motion to Compel, Plaintiff has yet to receive the requested documents, which are said to number "in the thousands," and has yet to receive adequate answers to her interrogatories.

5. After the Court's Order granting Plaintiff's Motion to Compel Discovery, Defendant, County of Erie, served Supplemental Responses which still do not respond to the Interrogatories and thus violate the Court's Order compelling responses. Plaintiff is attempting to negotiate a resolution with Defendant, County of Erie, but if she is unsuccessful, is faced with the necessity of filing a Motion for Sanctions.

6. Plaintiff has not had the opportunity to take any depositions in this case. Counsel for Defendants unilaterally declared themselves to be unavailable during the months of November, December and January. Further, without the requested documents, depositions would be a waste of time.

7. It appears that discovery in this case is going to be more difficult than originally anticipated when this case was designated as a Track I Case. Plaintiff respectfully suggests that the Court consider changing the designation of this case to a Track II, giving it closer judicial scrutiny.

8. In any event, given the fact that Defendants have yet to provide Plaintiff with the requested documents, which Plaintiff needs in order to take depositions, Plaintiff is requesting another seventy-five (75) day extension of discovery to April 19, 2006 and extending the other pretrial deadlines accordingly, in accordance with the proposed Order submitted herewith:

WHEREFORE, Plaintiff respectfully moves for an extension of discovery in this case and for redesignation of this case as a Track II case.

Respectfully submitted,

LAW OFFICES OF TIMOTHY D. McNAIR

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